

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
JAMES RAY BEHRENDT,)	
)	CASE NO. BK06-41423-TLS
Debtor(s).)	
UNITED STATES OF AMERICA,)	A07-4007-TLS
)	
Plaintiff,)	8:04CV578
)	
vs.)	CH. 7
)	
JAMES RAY BEHRENDT; JOAN K.)	
BEHRENDT; and JERRY MUHLBACH,)	
)	
Defendants.)	

REPORT & RECOMMENDATION

This matter is before the court on its own motion.

The Farm Service Agency instituted a foreclosure action against the defendants in federal district court in November 2004. Mr. Behrendt filed a Chapter 7 bankruptcy proceeding in October 2006, so the lawsuit was transferred to the bankruptcy court during the pendency of the bankruptcy case. The bankruptcy case has now been completed and closed, so the automatic stay is no longer in effect and the foreclosure litigation may go forward.

I respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding to proceed with the litigation against Mr. Behrendt and the other defendants.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: April 16, 2008

RESPECTFULLY SUBMITTED,

/s/ Thomas L. Saladino
United States Bankruptcy Judge

Notice given by the Court to:

Laurie M. Barrett	Robert L. Homan
James R. Behrendt	Joan K. Behrendt
Jerry Muhlbach	U.S. Trustee
Office of General Counsel - USDA	